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19 UNITED STATES DISTRICT COURT
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21 NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN JOSE DIVISION

24 JEFF MAINS, an individual, on his own behalf
and on behalf of all others similarly situated,

25 Case No. CV12-05652 EJD

26 **CLASS ACTION**

27 **JOINT TRIAL SETTING CONFERENCE
STATEMENT WITH NOTICE OF
SETTLEMENT AND [PROPOSED] ORDER**

28 Date: November 15, 2018

Time: 11:00 a.m.

Judge: Hon. Edward J. Davila

Action Filed: April 13, 2012

Plaintiff,
v.
WHOLE FOODS MARKET
CALIFORNIA, INC, *et al.*

Defendants.

The parties, Jeff Mains (“Plaintiff”) and Whole Foods Market California, Inc., Mrs. Gooch’s Natural Food Markets, Inc., WFM-WO, Inc., and WFM Private Label, L.P. (collectively “Defendants”) submit this Joint Trial Setting Conference Statement pursuant to this Court’s Order of February 6, 2018 (Dkt. 78).

On October 31, 2018, the Parties reached a settlement in principle. The Parties are in the process of documenting the settlement and expect to have a fully executed settlement agreement, and possibly a Stipulation of Voluntary Dismissal on file, before the Trial Setting Conference on November 15, 2018. Accordingly, the Parties provide notice of their settlement in lieu of the topics designated for inclusion in a Joint Trial Setting Conference Statement.

The Parties respectfully request that the Court continue the Trial Setting Conference sixty (60) days to allow time for Parties to complete the settlement agreement and file a Stipulation of Voluntary Dismissal.

DATED: November 5, 2018

PROVOST UMPHREY LAW FIRM L.L.P.

By: W. Michael Hamilton
W. Michael Hamilton
Attorneys for Plaintiff

DATED: November 5, 2018

PRATT & ASSOCIATES.

By: /s/ Pierce Gore
Pierce Gore
Attorneys for Plaintiff

DATED: November 5, 2018

SEYFARTH SHAW LLP

By: /s/ Joseph J. Orzano
Joseph J. Orzano
Attorneys for Defendants

1 [PROPOSED] ORDER

2 PURSUANT TO THE PARTIES JOINT REQUEST, AND GOOD CAUSE APPEARING,

3 IT IS SO ORDERED that:

4 1. The Trial Setting Conference is continued from November 15, 2018 to January 17, 2019

5 at 2 p.m.

6 2. A Joint Trial Setting Conference Statement shall be filed, if necessary, no later than

7 January 7, 2019.

8 Dated: _____

9 _____
The Honorable Edward J. Davila

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